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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and on)	
behalf of all others similarly situated,	)	Civil Action No.: 18-2293 (FLW)(ZNQ)
)	
Plaintiff,	)	Hon. Freda L. Wolfson
)	
v.	)	NOTICE OF MOTION OF
	)	DEFENDANT MIKE DAI FOR LEAVE
RIOT BLOCKCHAIN, INC. f/k/a BIOPTIX,	)	TO FILE A SUR-REPLY IN SUPPORT
INC., JOHN O'ROURKE, JEFFREY	)	OF HIS MOTION TO DISMISS LEAD
MCGONEGAL, BARRY HONIG,	)	PLAINTIFF'S CORRECTED
CATHERINE DEFRANCESCO, MICHAEL	)	CONSOLIDATED CLASS ACTION
BEEGHLEY, JOHN STETSON, MARK	)	COMPLAINT
GROSSMAN, ANDREW KAPLAN, MIKE)	
DAI, JASON LES and ERIC SO,)	
)	
Defendants.	)	Return Date: March 16, 2020

PLEASE TAKE NOTICE that on March 16, 2020, at a time to be set by the Court, counsel for Defendant Mike Dai ("Mr. Dai") shall move this Court, before the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, New Jersey 08608, for an Order pursuant to Local Civil Rule 7.1(d)(6), permitting Mr. Dai to file a sur-reply in support of Mr. Dai's pending Motion to

Dismiss (Dkt. No. 132) Lead Plaintiff Dr. Stanley Golovac's Corrected Consolidated Amended Class Action Complaint (Dkt. No. 73) in the above-captioned matter. This sur-reply brief, which will be approximately 5 pages, is needed to apprise the Court of a crucial new development relevant to the adjudication of Mr. Dai's pending Motion to Dismiss.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Declaration of Laura M. Lestrade, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings filed to-date herein.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted with this motion.

DATED: February 19, 2020,

Respectfully submitted,

DORSEY & WHITNEY LLP

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